

COUNCIL CHAMBERS--CITY COUNCIL  
CITY HALL--CITY OF LODI  
Monday, October 5, 1936.

The City Council of the City of Lodi met in regular meeting at 8:00 o'clock P. M. on Monday, October 5, 1936, Councilmen, Clark, Graffigna, Spooner, Weihe and Steele, present; none absent.

The minutes of the regular meeting held September 21, 1936 were read, approved as read and so indorsed by the Mayor.

Mrs. Howard Dragoo presented a petition signed by some 380 persons asking that the City Council make Central Avenue a through street and provide boulevard stops for the intersecting streets. The Mayor informed the petitioners, who were represented by several ladies from the Garfield-Needham P. T. A., that the City Attorney had prepared a resolution to take care of this matter. Mrs. Earl Waters asked that the City make provisions for school children crossing Lodi Avenue at Church Street and at Stockton Street and also at Oak Street and Garfield Street. After some discussion as to the types of signs to be displayed while school children were crossing these streets, the Clerk was directed to get prices on four signs similar to those used in other cities to guard pedestrian crossings.

The report of the Chief of Police for the month of September and that of the City Poundmaster for the same period were received, read and ordered filed, also the report of the Secretary of the Lodi Volunteer Fire Department for the quarter ended September 30, 1936.

Councilman Graffigna orally reported on the conditions at the "Martin's Campground" stating that the yard was very clean and that the present lessor was evidently making every effort to avoid a nuisance.

On motion of Councilman Weihe, seconded by Councilman Graffigna the Lodi Post of the Veterans of Foreign Wars was granted a permit to conduct a dance in the Lodi Armory on January 1, 1937.

Building permits Nos. 1549 and 1550, one for a dwelling and the other for a garage of a total cost of \$860.00 were ordered granted.

At this time the City Clerk presented two petitions asking for the annexation of new inhabited territory to the City, each being identical in form with differing signatures, but covering the same territory. At the order of the Mayor the petitions were referred to the City Clerk for checking as to signatures and registrations.

A petition was also filed at this time asking that the City apply to the Works Progress Administration for a project to install concrete curbs and gutters along both sides of the 200 block of Maple Street. On motion of Councilman Spooner, seconded by Councilman Graffigna the petition was referred to the City Engineer with the directions that he prepare an application to the Works Progress Administration for this project.

City Attorney Glenn West, presented the following resolution prepared by himself at the direction of the Mayor.

RESOLUTION NO. 859

BE IT RESOLVED, By the City Council of the City of Lodi, San Joaquin County, California, that from and after the date of the passage of this resolution it shall be unlawful for any person, firm or corporation to drive or operate any motor vehicle, either in an easterly or westerly direction, upon any street which intersects Central Avenue in said city (from the south line of Pine Street on the north to the southerly city limits) without first bringing such motor vehicle to a complete stop immediately before entering the intersection of such street or streets with said Central Avenue.

- BE IT FURTHER RESOLVED, That the points at, or near which, such motor vehicle or vehicles shall be stopped shall be marked with a sign plainly lettered with the words "BOULEVARD STOP".

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BE IT FURTHER RESOLVED, That any person violating any of the provisions hereof shall be guilty of a misdemeanor as provided in Ordinance No. 137 of the City of Lodi as amended, and shall be subject to the fine and penalty therein provided.

The foregoing Resolution No. 859 was then passed and adopted by the following vote:

AYES: COUNCILMEN, Weihe, Clark, Graffigna, Spooner  
and Steele (Mayor).  
NOES: COUNCILMEN, NONE.  
ABSENT: COUNCILMEN, NONE.

In the matter of the offer made by the Pacific Gas & Electric Company for a compromise of pending law suits regarding the City's Mokelumne River Power Project, Councilman Spooner introduced Resolution No. 857 which was read at length by the Clerk and considered by the Council. On motion of Councilman Spooner, seconded by Councilman Graffigna, Resolution No. 857 was adopted by the following record vote:

AYES: Councilmen, Spooner, Graffigna, Clark, Weihe  
and Steele (Mayor)  
NOES: Councilmen, None.  
ABSENT: Councilmen, None.

RESOLUTION NO. 857

WHEREAS, under date of September 18, 1936, the Pacific Gas and Electric Company submitted to the City of Lodi and to the City Council thereof, an offer in writing to pay to said City the sum of \$75,000.00 in consideration of its abandonment of the Mokelumne River power project, cancellation of the bonds authorized therefor, and conveyance to said Company of the lands required and owned by the City in conjunction therewith; and

WHEREAS, the City Council has given this offer careful consideration and has caused it to be given due publicity within the City of Lodi so as to ascertain the wishes of the people of said City with respect thereto; and

WHEREAS, in the opinion of the City Council it would be to the best interests of the City of Lodi that said offer be accepted unless written objections to the cancellation of said bond issue are filed by a majority of the legal voters of this city as provided in the Act of February 26, 1897, relating to the cancellation of municipal bond issues;

Now, therefore, be it

RESOLVED, that said offer of Pacific Gas and Electric Company, dated September 18, 1936, as set forth in the two separate letters submitted to the City of Lodi and its City Council, be and the same is hereby accepted subject to the condition that if written objections to the cancellation of said bond issue are filed by a majority of the legal voters of this City, as provided in said Act of February 26, 1897, relating to the cancellation of municipal bond issues, then this acceptance shall be considered as withdrawn entirely; and be it

FURTHER RESOLVED that, if such written objections are not filed, the City Council proceed to take the necessary steps outlined in said offer and perform the conditions therein set forth as a consideration for the payment to the City of the sum of \$75,000.00; and be it

FINALLY RESOLVED, that a copy of this resolution, duly certified by the Clerk, be transmitted to the Pacific Gas and Electric Company as evidence of such acceptance.

Resolution No. 858 was introduced on motion of Councilman Weihe, seconded by Councilman Spooner, read at length by the Clerk and considered by the Council. On motion of Councilman Weihe, seconded by Councilman Spooner, Resolution No. 858 was formally adopted by the following record vote:

AYES: Councilmen, Weihe, Spooner, Clark, Graffigna,  
and Steele (Mayor)  
NOES: Councilmen, None.  
ABSENT: Councilmen, None.

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RESOLUTION NO. 858

A RESOLUTION OF THE CITY OF LODI, CALIFORNIA, PROVIDING FOR THE CANCELLATION AND DESTRUCTION OF CITY OF LODI 1935 ELECTRIC BONDS, HERETOFORE AUTHORIZED TO BE ISSUED PURSUANT TO AN ELECTION HELD IN THE CITY OF LODI ON THE 12TH DAY OF SEPTEMBER, 1935.

WHEREAS, pursuant to Ordinance No. 212 of the City of Lodi, a special election was duly and regularly held in said City on the 12th day of September, 1935, at which election there was submitted to the qualified voters of said City the following proposition, to wit:

PROPOSITION: Shall the City of Lodi incur a bonded indebtedness in the principal amount of \$466,000 for the acquisition and construction by the City of Lodi of a certain municipal improvement, to wit: The construction of a hydro-electric generating plant, Diesel electric generating plant and transmission line, including lands, rights of way, easements, dam, penstock, power plant and building, transmission lines, conduits, wire, poles, substations, transformers, dynamos, motors, switches, machinery, apparatus, fixtures, equipment, and other structures, works, rights and properties necessary or convenient to generate electricity to supply said City of Lodi and its inhabitants with electricity for lights, heat and power;

and

WHEREAS, said proposition received the affirmative vote and assent of more than two-thirds of all the qualified voters of said City voting thereon, at said election, and the incurring of a bonded indebtedness in the principal amount of \$466,000 for the purpose hereinbefore specified was thereby authorized; and

WHEREAS, by Resolution No. 802 of the City of Lodi duly passed and adopted on the 23rd day of September, 1935, the City Council of said City directed the issuance of said \$466,000 principal amount of said bonds for the purposes stated in said proposition hereinbefore set forth and directed that all of said bonds should be designated "1935 Electric Bonds," should be 466 in number, numbered 1 to 466, inclusive, of the denomination of \$1000 each and further directed that said bonds should be dated October 1, 1935, should bear interest at the rate of 4% per annum, payable semi-annually on the first days of April and October of each year, and should mature in consecutive numerical order as follows, to wit:

\$13,000 on October 1 in each of the years 1936 and 1937,  
14,000 on October 1 in each of the years 1938 and 1939,  
15,000 on October 1 in each of the years 1940 and 1941,  
16,000 on October 1 in each of the years 1942 and 1943,  
17,000 on October 1 in each of the years 1944 and 1945,  
18,000 on October 1 in each of the years 1946 and 1947,  
19,000 on October 1 in each of the years 1948 and 1949,  
20,000 on October 1 in each of the years 1950 and 1951,  
21,000 on October 1 in each of the years 1952 and 1953,  
22,000 on October 1 in each of the years 1954 to 1956,  
both inclusive,  
23,000 on October 1 in each of the years 1957 and 1958,  
24,000 on October 1 in each of the years 1959 and 1960,

and further prescribed the form of said bonds and authorized their execution; and

WHEREAS, all of said bonds have been duly executed by the Mayor and Treasurer of the City of Lodi and countersigned by the City Clerk of said City and the seal of said City has been affixed to each of said bonds, and the coupons appertaining to said bonds have been duly executed by the facsimile signature of the Treasurer of said City; and all of said bonds remain in the possession of the City of Lodi and have not been sold or disposed of; and

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WHEREAS, the Pacific Gas and Electric Company, a corporation, heretofore filed suit in the Superior Court of the State of California, in and for the County of San Joaquin, entitled, "Pacific Gas and Electric Company, a corporation, plaintiff vs. The City of Lodi, California, a municipal corporation, et al, defendants" and numbered on the records of said court No. 27119; and

WHEREAS, said Pacific Gas and Electric Company has likewise filed suit in the District Court of the United States for the Northern District of California, Northern Division, entitled, "Pacific Gas and Electric Company, a corporation, plaintiff, vs. The City of Lodi, California, a municipal corporation, defendant" and numbered on the records of said court in Equity No. 1244-S; and

WHEREAS, in each of said suits the Pacific Gas and Electric Company seeks to restrain and enjoin the City of Lodi from acquiring or constructing the municipal improvement referred to in said proposition submitted to the electors as hereinbefore recited, and also seeks to restrain and enjoin the issuance of said bonds authorized at said election, and said suits are now pending and no final determination of either thereof has been had; and

WHEREAS, the Pacific Gas and Electric Company has filed with this City Council an offer to settle and compromise said suits, and each of them, conditioned (among other things) upon the abandonment by the City of Lodi of the acquisition or construction of said municipal improvement referred to in said proposition approved by the electors of said City at said special election, and also conditioned upon the agreement of said City not to issue or sell said bonds authorized for said purpose, nor to incur any indebtedness for such purpose; and

WHEREAS, this City Council has duly considered said offer and deems it desirable and in the best interests of said City and the inhabitants thereof that said municipal improvement referred to in said proposition be abandoned and that no indebtedness of the City of Lodi for the acquisition or construction thereof should be incurred or permitted to be incurred and said City Council has approved, and does hereby approve, the said offer of the Pacific Gas and Electric Company and has accepted, and does hereby accept, the terms and conditions of said offer; and

WHEREAS, by reason of the matters aforesaid it is essential, in the opinion of this City Council, that said City of Lodi 1935 Electric Bonds should be canceled and destroyed,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lodi as follows, to wit:

1. - That all of the recitals hereinbefore set forth are true and correct and this Council so finds and determines.
2. - That the sale and disposal of said City of Lodi 1935 Electric Bonds referred to in the recitals hereof is deemed by this City Council to have become impossible and also to have become inexpedient.
3. - That the destruction of said City of Lodi 1935 Electric Bonds referred to in the recitals hereof is desirable.
4. - That this City Council intends publicly to destroy said City of Lodi 1935 Electric Bonds referred to in the recitals hereof on Monday, the 9th day of November, 1936, at the hour of eight o'clock P.M. of said day, at the meeting room of said Council in the City Hall of the City of Lodi, California, located on Pine Street and Pleasant Avenue in the said City of Lodi, unless at least three days prior to said time written objection to said destruction of said bonds shall be filed with the Clerk of said City signed by a majority of the legal voters of said City as appears by the vote cast at the last preceding general municipal election, to wit, the general municipal election held in said City on April 14, 1936.
5. - That the City Clerk of the City of Lodi is hereby

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authorized and directed to cause public notice of the intention of this Council publicly to destroy said City of Lodi 1935 Electric Bonds by causing to be published for four (4) successive weeks in The Lodi News-Sentinel, the official newspaper of said City of Lodi (which is hereby designated by such Council for such publication), a notice in substantially the following form, to wit:

NOTICE OF INTENTION OF THE CITY COUNCIL OF THE  
CITY OF LODI TO PUBLICLY DESTROY CITY OF LODI  
1935 ELECTRIC BONDS AND TO CANCEL AND ANNUL THE  
AUTHORITY GIVEN BY THE QUALIFIED ELECTORS OF THE  
CITY OF LODI AT A SPECIAL ELECTION HELD SEPTEMBER  
12, 1935, FOR THE INCURRING OF A BONDED INDEBTED-  
NESS IN THE SUM OF \$466,000.

NOTICE IS HEREBY GIVEN to the qualified electors and taxpayers of the City of Lodi, California, and to all whom it may concern, that the City Council of the City of Lodi has determined that the sale and disposal of City of Lodi 1935 Electric Bonds authorized to be issued pursuant to the vote of the qualified electors of said City at a special election held in said City on September 12, 1935, is deemed by the City Council of the City of Lodi to have become impossible and inexpedient, and that the destruction of said bonds is desirable and that it is the intention of said City Council publicly to destroy said City of Lodi 1935 Electric Bonds on Monday, the 9th day of November, 1936, at the hour of eight o'clock, P. M. of said day, in the meeting room of said City Council in the City Hall of said City of Lodi, Pine Street and Pleasant Avenue in said City, which are hereby designated as the time and place of such intended destruction of said bonds.

The reason for said intended destruction of said bonds is that the City Council has accepted an offer of the Pacific Gas and Electric Company to compromise and settle those two certain suits filed by the Pacific Gas and Electric Company against the City of Lodi, to wit: A suit filed in the Superior Court of the State of California, in and for the County of San Joaquin, entitled "Pacific Gas and Electric Company, a corporation, plaintiff, vs. The City of Lodi, California, a municipal corporation, et al, defendants," and numbered on the records of said court No. 27119, and a suit filed in the District Court of the United States, for the Northern District of California, Northern Division, entitled, "Pacific Gas and Electric Company, a corporation, plaintiff, vs. The City of Lodi, California, a municipal corporation, defendant," and numbered on the records of said court, In Equity No. 1244-S. That by reason of such settlement and compromise of said litigation, it is not necessary or desirable for the City of Lodi to acquire or construct the municipal improvement for which said City of Lodi 1935 Electric Bonds were authorized to be issued, nor does the public interest or necessity require the acquisition or construction of said municipal improvement, nor is such acquisition or construction necessary to carry out the objects, purposes and powers of said City of Lodi and, in the opinion of said City Council, no indebtedness of said City of Lodi should be incurred or permitted to be incurred for said objects and purposes. Reference is hereby made to said offer of the said Pacific Gas and Electric Company now on file in writing in the office of the City Clerk of the City of Lodi, which is open to the inspection of all persons interested, during all business hours, for further particulars thereof.

The character and amount of said bonds which said Council intends to destroy at said time and place above stated are as follows:

Bonds of the City of Lodi authorized at a special election held in said City of Lodi on September 12, 1935, pursuant to the following proposition submitted to and approved by said electors, to wit:

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Said bonds are \$466,000 in aggregate principal amount, designated "1935 Electric Bonds," all dated October 1, 1935, of the denomination of \$1000 each, numbered 1 to 466. Said bonds bear interest at the rate of 4% per annum, payable semi-annually on April 1 and October 1 of each year and mature in consecutive numerical order as follows, to wit:

\$13,000 on October 1 in each of the years 1936 and 1937,  
14,000 on October 1 in each of the years 1938 and 1939,  
15,000 on October 1 in each of the years 1940 and 1941,  
16,000 on October 1 in each of the years 1942 and 1943,  
17,000 on October 1 in each of the years 1944 and 1945,  
18,000 on October 1 in each of the years 1946 and 1947,  
19,000 on October 1 in each of the years 1948 and 1949,  
20,000 on October 1 in each of the years 1950 and 1951,  
21,000 on October 1 in each of the years 1952 and 1953,  
22,000 on October 1 in each of the years 1954 to 1956,  
both inclusive,  
23,000 on October 1 in each of the years 1957 and 1958,  
24,000 on October 1 in each of the years 1959 and 1960.

All of said bonds were authorized to be issued by Resolution No. 802 of the City Council of the City of Lodi, passed and adopted on the 23rd day of September, 1935, to which reference is hereby made, and all of said bonds have been duly executed by the proper officials of the City of Lodi in accordance with the terms of said resolution, and the seal of the City of Lodi has been affixed to each thereof. None of said bonds have been sold or disposed of and all thereof are now in the possession of said City of Lodi.

That said City Council at the time and place aforesaid, and in accordance with the terms of this notice, intends publicly to destroy said bonds unless at least three days prior to said time (to wit, November 9, 1936) written objection to such destruction shall be filed with the Clerk of the City of Lodi, signed by a majority of the legal voters of said City as appears by the vote cast at the last preceding general municipal election, to wit, the general municipal election held in said City on April 14, 1936. Any legal voter of the City of Lodi may file with the Clerk of said City written objection to the destruction of said bonds within the time aforesaid and in the manner provided by an act of the Legislature of the State of California entitled, "An Act providing for the destruction of municipal bonds of municipal corporations where the same have been executed and remain unsold" approved February 26, 1897 (Stats. 1897, page 34) pursuant to which this City Council is now proceeding, and pursuant to which it is the intention of said Council to cancel said bonds.

This notice is given pursuant to Resolution No. 858 of the City Council of the City of Lodi passed and adopted on the 5th day of October, 1936, and now on file in the office of the City Clerk of said

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City, to which resolution reference is hereby made for further particulars hereof.

Dated at Lodi, California, this 5th day of October, 1936.

BY ORDER OF THE CITY COUNCIL  
OF THE CITY OF LODI

J. F. BLAKELY  
City Clerk of the City of Lodi,  
California.

6. - That at the time and place aforesaid and in accordance with the terms of said notice hereinbefore prescribed, the City Council of the City of Lodi intends publicly to destroy said City of Lodi 1935 Electric Bonds (subject to the conditions aforesaid) in accordance with the terms and conditions of an Act of the Legislature of the State of California, entitled, "An Act providing for the destruction of municipal bonds of municipal corporations where the same have been executed and remain unsold," approved February 26, 1897 (Stats. 1897, page 34), which statute is hereby adopted by the City Council of the City of Lodi and is hereby incorporated herein and made a part hereof.

7. - That if valid objections to the destruction of said City of Lodi 1935 Electric Bonds shall not be filed with the Clerk of said City as herein and in said Act of the Legislature above referred to provided, said bonds and their appurtenant coupons and each of them shall be publicly destroyed at said time and place and upon such destruction no further or other issue of bonds in place of those destroyed shall be made by said City of Lodi or its City Council, unless the authority for the issuance of such bonds shall be given by vote of the people of Lodi in the manner provided by law and at an election duly and regularly called and held in said City of Lodi for that purpose. It is the intent and purpose of the City Council of the City of Lodi to cancel and destroy all of said City of Lodi 1935 Electric Bonds and at the same time to cancel and annul the authority conferred upon the City Council by the electors of the City of Lodi voting at said special election held in said City on September 12, 1935, to issue or sell any bonds for the object and purpose of raising money for the acquisition of the municipal improvement referred to in the proposition submitted to said electors, to the end that no indebtedness shall be incurred by the City of Lodi for said object and purpose described in said proposition, and that no indebtedness authorized to be incurred by the electors of said City voting at said election shall ever be incurred by the City of Lodi unless and until a new election shall be called and held in such City at which the proposition for the incurring of any such indebtedness for said objects and purposes or any similar objects and purposes shall again be authorized by a vote of the people of Lodi in the manner provided by law. Any indebtedness incurred by the City of Lodi contrary to the provisions of this resolution when the same shall have become fully effective in the manner hereinabove provided, shall be absolutely void and neither the City of Lodi nor any officer thereof shall be held for the payment of such indebtedness, nor shall any taxes be levied or assessed for the payment of such indebtedness upon any of the taxable property in the City of Lodi; nor shall any revenues of the City of Lodi, or any properties or works now or hereafter acquired by the City of Lodi, howsoever derived, be applied to the payment of any such indebtedness.

8. - This resolution shall take effect immediately.

120 applications for licenses to conduct business pursuant to Ordinance No. 221 were allowed and ordered granted on motion of Councilman Graffigna, seconded by Councilman Weihe.

Claims Nos. 27353 to and including 27540 in the total amount of \$15,565.79 as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Spooner, seconded by Councilman Graffigna.

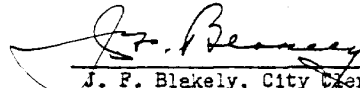
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In the matter of the premises at 316 North Pleasant Avenue owned by J. J. Mittleider, the Clerk reported that he had written to Mr. Mittleider and received a reply which he read to the Council in which Mr. Mittleider promised to make repairs to the dwelling in question. At the direction of the Mayor the Clerk was directed to tell Mr. Mittleider that the matter of condemnation would be held temporarily in abeyance on his promise to make the needed alterations.

Elmer Kirst residing at 833 North Church Street applied for sewer and water connections pending annexation to the City. This application was ordered granted pursuant to the rules of the Council in such matters made and provided.

No further business appearing at this time the City Council adjourned on motion of Councilman Weihe, seconded by Councilman Clark to met again at the day and hour of its next regular meeting.

ATTEST:

  
J. F. Blakely, City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read at a subsequent meeting of said Council held October 19, 1933 and approved without correction.

  
Mayor of the City of Lodi.